

## **ARTICLE 20. SITE PLANS**

### **20-1. Purpose and Intent.**

The purpose and intent of this Article is:

- a. To assure compliance with the applicable requirements of this ordinance, other Chapters of The County Code, land development policies used by the County, and state law.
- b. To assist County administrative officials in the review of certain uses, which may also require applications for building permits.
- c. To prescribe additional requirements applicable to the development of land in certain zoning districts.
- d. To prescribe the standards for the preparation and submission of site plan drawings and for the design and construction of certain required improvements.
- e. To specify the types of development and uses of land for which submission of a site plan shall be required, and to specify three types of site plans – an administrative site plan, a minor site plan and a full site plan.
- f. To define and establish the responsibilities of the departments, divisions and other agencies of the County government for site plan processing, review and approval.
- g. To designate the approving and reviewing authorities on site plans and construction permits relative thereto.
- h. To establish requirements regarding the portrayal of both existing and proposed conditions of land and its development so the Approving Authority can make an informed decision.
- i. To provide a system to insure compliance with approved site plans.

### **20-2. Applicability and Exemptions.**

20-2-1 Site plan approval shall be required prior to the issuance of certain building permits and the establishment of certain uses, as identified herein. However, all construction, alteration, change or remodeling associated with an existing use and encompassing less than 500 square feet of either gross floor area or disturbed area, shall be exempt from the requirements of this Article. Likewise, the establishment of accessory uses or changes in use which result in the same or lesser parking requirements shall be exempt from the requirements of this Article.

20-2-2 Changes in principal and accessory uses, with no additional increase in building square footage, to a use that has a greater parking requirement than the previous use shall require submission and approval of a parking tabulation to demonstrate that the number of existing parking spaces on site meets the minimum off-street parking requirements for all uses.

20-2-3 Administrative Site Plan. An administrative site plan, approved by the Zoning Administrator, shall be required for the following:

- a. Establishment of one single family detached dwelling, manufactured/mobile home or duplex dwelling, and its related principal and accessory uses and structures.
- b. Additions to single family, detached or attached dwellings manufactured/mobile home, or duplex dwellings, and their related accessory uses and structures.
- c. Accessory structures such as storage structures, pools, gazebos, etc.
- d. Installation of new manufactured/mobile homes on existing pads within an existing manufactured home park.
- e. Accessory uses such as fences, walls, and ornamental features for neighborhood entrances.
- f. Home occupations.
- g. Signs.
- h. Temporary uses and structures such as stands for retail sales of seasonal items and tents for temporary events.
- i. The following uses, provided that the use or activity shall not (a) exceed 1,000 square feet of gross floor area or land disturbance area; or (b) exceed 2,500 square feet of gross floor area or land disturbance area for additions and alterations to provide a handicapped accessibility improvement; or (c) reduce required open space, parking, aisles, driveways, transitional screening or buffers:
  - 1) Antennas and satellite earth stations.
  - 2) Additions and alterations to existing uses, which may include changes or additions to features such as decks, vestibules, loading docks, mechanical equipment and storage structures, changes to the site such as walkways, landscaping or paving, or the addition of light poles or lighting fixtures to an existing use that is permitted by right in the zoning district in which located.
  - 3) Accessory outdoor storage and display.

20-2-4. Minor Site Plans. A minor site plan may be submitted by the property owner or by an agent of the property owner in lieu of a full site plan in the following situations:

- a. Additions to existing buildings and structures or expansions of uses when such addition/expansion does not exceed 2,500 square feet or one-fifth (1/5) of the gross floor area of existing buildings, whichever is greater.
- b. Additions and alterations to provide an accessibility improvement not listed as qualified for an Administrative Site Plan in Section 20-2-3 above.
- c. In existing open space areas or parkland, the establishment or expansion of recreational amenities that exceed a total of 5,000 square feet of disturbed area.
- d. For uses deemed by the Zoning Administrator to be industrial (not commercial) uses, in areas which are designated by the then current Comprehensive Plan as industrial and where no Planning Commission review would be required to satisfy the provisions of Section 15.2-2232 of the Code of Virginia.
- e. Institutional uses such as schools and churches.

20-2-5. Full Site Plans. Unless so noted in either Section 20-2-1, 20-2-2, 20-2-3 or 20-2-4 above, prior to construction and/or establishment, the following uses, including modifications or alterations to existing uses, shall require full site plan approval.

- a. All conditional (requiring use permits) uses.
- b. All principal (permitted) multi-family uses in the “Residential” districts; R-3, R-4 and RMH.
- c. All principal (permitted) uses in “Commercial” districts; C-2, H-1, CC, VC, CS, OC and SC.
- d. All principal (permitted) uses in “Industrial” districts; M-1, M-2, LI and HI.
- e. All principal (permitted) uses in the “Planned” districts; PUD and PBD, except for residential uses subject to the Subdivision Ordinance.

### **20-3. Site Plan Procedures.**

20-3-1. All site plans shall be submitted by the property owner or by an agent of the property owner to the Zoning Administrator. A receipt evidencing the payment of all required fees for processing the site plan in addition to evidence of the “Notice” required by Section 20-3-4 below shall accompany the submission, where applicable.

20-3-2. The Zoning Administrator shall check the site plan for completeness and compliance with such administrative requirements as are established. The Zoning Administrator shall ensure that all administrative reviews are completed on time and that action is taken by the Approving Authority on the site plan within sixty (60) days from acceptance by the County of a complete submission thereof, except under abnormal circumstances. The calculation of the review period shall include only that time the site plan is in for County review, and shall not include such time as may be required for revisions or modifications (i.e., when plans are in the possession of the owner or his agent making revisions) in order to comply with ordinance requirements. Each new or revised submission shall commence a new sixty (60) day review period.

20-3-3. Site Plan Review Process

a. Staff Review and Report.

- 1) Administrative Site Plans. After an application for an administrative site plan is determined sufficient and accepted for review, the Planning Department shall review the proposed site plan. As part of their review, the Planning Department may seek review comments and recommendations from other state or County Departments and agencies, as appropriate. The Planning Department shall determine if the proposed site plan satisfies the site plan approval criteria prescribed herein and shall grant, grant with conditions, or deny the application for site plan approval, subject to appeal under Section 20-3-3(b)(1) to the Planning Commission.
  - a) The Planning Department's decision on the administrative site plan shall be rendered within fifteen (15) days of official acceptance of the plan.
- 2) Minor Site Plans. After an application for a minor site plan is determined sufficient and accepted for review, the Planning Department, and any additional state and County Departments and agencies as appropriate, shall review the application. The Planning Department shall review the comments of all reviewing agencies, and shall prepare a written analysis of the issues raised by the application, if necessary. The Planning Department shall determine if the proposed site plan satisfies the site plan approval criteria prescribed herein and shall grant, grant with conditions, or deny the application for site plan approval, within sixty (60) days of official acceptance of the site plan, subject to appeal under Section 20-3-3(b)(2) to the Planning Commission.
- 3) Full Site Plans. After an application for a full site plan is determined sufficient and accepted for review, the Planning Department, and any additional state and County Departments and agencies as appropriate, shall review the application. The Planning Department shall review the comments of all reviewing agencies, and shall prepare a written analysis of the issues raised by the application. The

staff analysis shall be forwarded on to the Planning Commission for consideration and action, within sixty (60) days of official acceptance of the site plan.

b. Planning Commission Review.

- 1) Administrative Site Plans. If an appeal by an aggrieved person of a decision of the Planning Department relating to an administrative site plan is filed with the Planning Department within (10) ten days of the Department's decision, the Planning Commission shall hold a public hearing within sixty (60) days to consider the appeal and grant, grant with conditions or deny the appeal. The decision of the Planning Commission is final.
- 2) Minor Site Plans. If an appeal by an aggrieved person of a decision of the Planning Department relating to a minor site plan is filed with the Planning Department within (10) ten days of the Department's decision, the Planning Commission shall hold a public hearing within sixty (60) days to consider the appeal and grant, grant with conditions or deny the appeal. The decision of the Planning Commission is final.
- 3) Full Site Plans. The Planning Commission shall hold a meeting to review the site plan application and the written staff analysis, and shall determine whether the proposed development meets the site plan approval criteria prescribed herein and grant, with conditions or deny the application for site plan approval, subject to appeal under Section 20-3-3(c)2 to the Board of Supervisors. The Planning Commission's action on the full site plan application shall be issued within sixty (60) days of official acceptance of the site plan by the Planning Department, unless additional time is requested by the applicant and agreed to by the Planning Commission.

c. Board of Supervisors.

- 1) Administrative and Minor Site Plans. The Board of Supervisors has no action or appeal authority regarding decisions on administrative and minor site plans.
- 2) Full Site Plans. If an appeal by an aggrieved person of a decision of the Planning Commission relating to a full site plan is filed with the Planning Department within ten (10) days of the Planning Commission's decision, the Board of Supervisors shall hold a public hearing within ninety (90) days to consider the appeal and grant, grant with conditions or deny the appeal. The decision of the Board of Supervisors is final.

20-3-4 Notice Required.

- a. Any person who submits a Minor Site Plan for approval under the provisions set forth in this Article shall submit written proof of notification to all owners of

property abutting and immediately across the street from the subject property. Such notice shall include notice to owners of properties abutting and immediately across the street, even if these properties lie in an adjoining county, town, or municipality.

Notice shall be sent by the Applicant to the last known address of the owner(s) as shown in the current real estate assessment files and shall be sent by certified mail, return receipt requested. All written notices required by this Paragraph shall include the information listed in 20-3-4(c) below, and shall state that: (a) changes and corrections to the site plan may occur prior to approval; (b) persons wishing to be notified of the approval of the plan should submit a written request to that effect to the County Planning Department as identified in the notice; and (c) the site plan is subject to approval fourteen (14) days after the postmark date of the notice, unless releases are executed by all property owners required to be notified, in which case the plan may be approved sooner than fourteen (14) days after the postmark date. The Applicant shall also send a copy of such notice to the Board of Supervisors Member in whose district the subject property is located at the time of the plan submission.

- b. For site plan revisions, the written notice requirements of this Section need not be met upon a determination by the Zoning Administrator that: the revision is a minor correction or adjustment to a feature shown on the previously approved site plan; the revision does not reduce the effectiveness of approved transitional screening, landscaping or open space; and the revision does not permit changes to the bulk, mass, orientation or location which adversely impact the relationship of the development or part thereof to abutting or adjacent properties.
- c. The notification required by this Section shall include the following information:
  - 1) A statement reading: "This is to notify you that a site plan has been submitted to the Culpeper County Planning Department, 302 North Main Street, Culpeper, Virginia, 22701 Phone: (540) 727-3404, for approval by the County of Culpeper. This site plan may be reviewed at the above office." This address and telephone number may change from time to time. Notification must include the current information as designated by the Planning Department.
  - 2) Site plan number.
  - 3) Type of use being proposed.
  - 4) Tax map reference number, street address and/or location of the property.
  - 5) Date submitted for review.
  - 6) Date the site plan is subject to approval.
- d. For Full Site Plans, the Planning Department shall be responsible for all required notification. No notification shall be required for Administrative Site Plans.

- 20-3-5. Denial. If a site plan is disapproved, the reasons for such disapproval shall be shown on the plan or in a separate document. The reasons for disapproval shall identify all deficiencies in the site plan that caused the disapproval by reference to specific ordinances, regulations, or policies, and shall generally identify such modifications or corrections as will permit approval of the site plan.
- 20-3-6. Revised Site Plans. Any approved site plan may be revised, prior to bond or security release, in the same manner as originally approved. Approval of such revision shall not be deemed to alter the expiration date of the site plan, as established in Sections 20-7 and 20-8 below. Following release of the owner's or developer's agreement package provided in accordance with Section 20-9 below, any proposed change shall be subject to the provisions of this Article.
- 20-3-7. Once a site plan is approved, any building permit, use permit or other permits shall only be issued in accordance with such approved site plan. Once the uses or structures approved by such site plan are established, the uses and structures shall continue to be subject to the provisions of approval and any modifications or alterations to the site or any additional uses and structures shall only be permitted in accordance with the provisions of this Article.

#### **20-4. Standards for Review.**

In reaching a decision as to whether or not the site plan, as accepted for review, should be approved, approved with changes, approved with conditions or disapproved, the Approving Authority shall consider the extent to which the application is consistent with this Ordinance, any conditions imposed by approval of a rezoning or conditional use, generally accepted site design principles and the extent to which the development furthers the goals and purposes of this Ordinance and the adopted Comprehensive Plan.

- 20-4-1. The Approving Authority shall use and be guided by the following criteria, as applicable to the specific application, in their evaluation a site plan submission; and may impose conditions upon approval in order to ensure compliance with these criteria:
- a. Whether, on balance, the proposed development, design and layout are compatible with the adopted Comprehensive Plan, as amended.
  - b. Whether the proposed development, design and layout has made adequate provisions for vehicular and pedestrian entrances and exits, safety and traffic circulation (both internal and external to the project) in relation to streets and pedestrian traffic.
  - c. Whether there is concurrence from the Virginia Department of Transportation with the location and design of the vehicular entrances and exits to and from state maintained streets and highways.

- d. Whether the location and design of the automobile parking areas is appropriate and adequate.
- e. Whether adequate provisions have been made for traffic circulation and control within the site and in addition to access to adjoining property.
- f. Whether all applicable requirements of this ordinance for setbacks, screening, buffering and landscaping have been complied with.
- g. Whether adequate drainage, water supply, fire protection and sanitary sewer facilities have been provided.
- h. Whether all applicable design criteria, construction standards and specifications for all improvements required by the County of Culpeper have been complied with, including the requirements of Article 30 of this Ordinance, if applicable.
- i. Whether the concurrence of the County Health Officer or his agents has been obtained, if septic tanks and other sewage disposal facilities other than sanitary sewers are involved.
- j. Whether the Culpeper Soil and Water Conservation District has reviewed the sediment and erosion control, stormwater management, and site grading plans, and whether the Erosion and Sediment Control Program Administrator has approved the plans.
- k. Whether the proposed development, design and layout has preserved any significant natural features and characteristics of the land to the extent possible, including but not limited to, due regard given to existing large specimen trees, natural groves, watercourses, and similar significant natural features that would add attractiveness to the property and environs if they were preserved, natural drainage systems, natural buffering, and the use of other techniques for the preservation and enhancement of the physical environment.
- l. Whether there are ways that the configuration of the development (e.g. location of use(s); intensity; density; scale; building size, mass, bulk, height and orientation; lot coverage; lot size/configuration; architecture; screening; buffers; setbacks; signage; lighting; traffic circulation patterns; loading area locations; operating hours; noise; odor; and other factors of compatibility) can be changed that would better mitigate adverse effects of the development on abutting and adjoining properties.

## **20-5. Required Site Plans Information.**

- 20-5-1. Fees. All applications for administrative site plans, minor site plans and full site plans shall be accompanied by an appropriate review fee. Such fees shall be determined by the Board of Supervisors.



20-5-2. Administrative Site Plans. The following items shall be included with all Administrative Site Plan application submissions in order to have them accepted for review:

- a. Four (4) copies of a plan, which may be a non-engineered hand drawn sketch, with a sheet size not exceeding 11" x 17" indicating:
  - 1) Project name, lot owner and developer's name and address, and tax map and parcel number.
  - 2) Date of the plan & north arrow.
  - 3) Present zoning of the project lot.
  - 4) Acreage of the lot.
  - 5) Location, height and setback from property lines of all existing and proposed buildings and structures on the lot.
  - 6) Location of all existing and proposed wells and sanitary disposal systems.
  - 7) Location of all existing and proposed points of access to the lot, and all travelways.
  - 8) Location of all existing and proposed parking lots on the lot and number of parking spaces.
  - 9) Location of all streams and other bodies of water on the lot.
  - 10) Street rights-of-way; including name.
  - 11) Identification of any grave, object or structure marking a place of burial on the site and if none, a statement to that effect.

20-5-3. Minor Site Plans. The following items shall be included with all Minor Site Plan application submissions in order to have them accepted for review:

- a. Culpeper County Minor Site Plan Application form.
- b. Ten (10) copies of a minor site plan, prepared by a licensed surveyor, engineer, or architect, at a scale of no less than 1 inch = 100 feet, with a sheet size not exceeding 24" x 36" indicating:
  - 1) Project name, lot owner and developer's name and address, tax map and parcel number, and Magisterial District.

- 2) Date of the plan & north arrow.
  - 3) A boundary plotting of the lot(s) providing bearings and distances of all the property lines; a Certificate signed by the surveyor or engineer that prepared the plan setting forth the source of title of the owner of the lot and the place of record of the last instrument in the chain of title.
  - 4) Street rights-of-way (including name & route number).
  - 5) All existing easements (including type, width, deed book reference, and use restrictions, if any).
  - 6) Existing and proposed topographic contours with intervals no greater than five (5) feet, referred to USGS datum, extending fifty (50) feet beyond the lot's property lines.
  - 7) Present zoning of the lot(s) and all abutting lots, along with their present use.
  - 8) Acreage of the lot(s).
  - 9) Location, height and setback from property lines of all existing and proposed buildings and structures on the lot.
  - 10) Location of all existing and proposed sanitary and water facilities.
  - 11) Identification of any grave, object or structure marking a place of burial on the site and if none, a statement to that effect.
- 20-5-4. Full Site Plans. The following items shall be included with all Full Site Plan application submissions in order to have them accepted for review:
- a. Culpeper County Full Site Plan Application form.
  - b. A digital copy of the site plan in Autocad format.
  - c. Twenty (20) copies of a site plan, at a scale of no less than 1 inch = 50 feet, with a sheet size not exceeding 24" x 36" and, if prepared on more than one (1) sheet, match lines shall clearly indicate where the sheets join and a sheet key shall be provided, and indicating:
    - 1) Location of the site shown on a vicinity map at a scale of not less than one inch equals two thousand feet (1" = 2000') and such information as the names and numbers of adjoining streets, streams and bodies of water, railroads, subdivisions and towns or other landmarks sufficient to clearly identify the location of the property.

- 2) Name and address of the owner and developer, the Magisterial District, County, State, north point, date and scale of drawing, number of sheets and tax map reference. In addition, a blank space, three (3) inches wide and five (5) inches high, shall be reserved for the use of the Approving Authority.
- 3) A boundary survey of the site, with an error of closure within the limit of one (1) in twenty thousand ( 20,000), related to the North American Datum, Virginia North Zone of 1983 (NAD 83). Two (2) adjacent corners or two points on every plan sheet shall be referenced to the NAD 83 with coordinate values shown in feet. Plans may be related to true north or meridian of record for properties located more than 1.24 miles from one or both of the two (2) nearest NAD 83 monuments, with distance measured along a straight line from each monument to the closest point on the property boundary.
- 4) Certificate signed by the surveyor or engineer setting forth the source of title of the owner of the site and the place of record of the last instrument in the chain of title.
- 5) Existing topography with a maximum contour interval of two (2) feet, except that, where existing ground is on a slope of less than two (2) percent, one (1) foot contour or spot elevations shall be provided where necessary, but not more than fifty (50) feet apart in both directions.
- 6) Horizontal dimensions shown on the site plan shall be shown in feet and decimal fractions of a foot accurate to the closest one-hundredth of a foot (.00). All bearings in degrees, minutes and seconds shall be shown to a minimum accuracy of ten (10) seconds.
- 7) All existing and proposed streets and easements, their names, widths and street route numbers; existing and proposed utilities; watercourses and their names; owners, zoning and present use of all adjoining properties.
- 8) All off-street parking, related driveways and other points of access, loading spaces and walkways, indicating type of surfacing, size, angle of stalls, width of aisles and a specific schedule showing the number of parking spaces required by the provisions of Article 10 for each use and the total number of spaces provided.
- 9) A map identifying the classification of soil types at a scale of not less than one inch equals two hundred feet (1" = 200'), based upon soils information identified by a professional, hired by the owner/developer, authorized by the State to provide such information.
- 10) Proposed finished grading by contours, supplemented where necessary by spot elevations.

- 11) The proposed location, general use, number of floors, height and gross floor area for each building, to include outside display and storage areas; the proposed floor area ratio; the number, size and type of dwelling units; and the amount of required and provided open space.
- 12) Location, type, size and height of any fencing and retaining walls.
- 13) Location of existing and proposed solid waste and recycling storage containers, if any.
- 14) Provisions for the adequate disposition of natural and stormwater and grades of ditches, catch basins and pipes and connections to existing drainage system.
- 15) All existing and proposed water and sanitary sewer facilities, indicating all pipe sizes, types and grades and where connection is to be made to the County or other utility system.
- 16) All setback requirements, including front, side and rear yards, and buffer requirements imposed under this Ordinance.
- 17) Location and height of all light poles, including parking lot and walkway light poles, illustrations of each style of freestanding lighting fixture that demonstrate that such fixture is either a full cut-off or directionally shielded lighting fixture, as required by Article 32 and a statement by the owner/developer certifying that all outdoor lighting provisions of Article 32 shall be met.

For outdoor recreation/sports facility playing fields/courts, service stations, restaurants, fast food restaurants, quick service food stores, retail establishments, service station/mini-marts and vehicle sale, rental and ancillary service establishments, a photometric plan shall be submitted as required by Article 32.

- 18) Identification of any grave, object or structure marking a place of burial on the site and if none, a statement to that effect.
- 19) For all sites, a statement by the owner/developer certifying that all wetlands permits required by law shall be obtained prior to commencing land-disturbing activities in any areas requiring such permits.
- 20) A landscape plan, in accordance with Article 33 of this Ordinance, drawn to scale, showing existing vegetation to be preserved and any of the following proposed required landscape materials to be installed:
  - a. Parking lot landscaping, transitional screening, buffering and tree cover as required by the provisions of Article 33, to include the location, type and height of barriers.

- b. Replacement vegetation in accordance with the policies and requirements of this Ordinance.
  - c. Plantings required as a development condition of an approved rezoning, special permit or variance.
- 21) Provisions for the adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures that will be implemented during all phases of clearing, grading and construction.
  - 22) The location of any stream valleys and floodplains.
  - 23) Sufficient information to show how the physical improvements associated with the proposed development interrelate with existing or proposed developments of record on adjacent properties (e.g., interparcel access, contiguous open space or tree save areas, etc.).
  - 24) Such additional information as may be required by other County departments and agencies, or the Zoning Administrator.
  - 25) Any other information as may be required by the provisions of this Ordinance, Subdivision Ordinance and/or The Code.

## **20-6. Required Improvements.**

- 20-6-1. In furtherance of the purposes of this ordinance and to assure the public safety and general welfare, the Approving Authority shall require the following improvements, where appropriate:
  - a. Walkways. The designation of pedestrian walkways so that patrons may walk from store to store or building to building within the site and to adjacent sites.
  - b. Curbs, Gutters and Sidewalks. The construction of all off-site curbs, gutters and sidewalks and the construction of all off-site road widening to the width as specified on the major thoroughfare plan of the County of Culpeper for the full frontage of the lot or parcel of ground, where it is determined to be necessary in order to provide safe and adequate access into the site.
  - c. Dedication of Rights-of-Way. The dedication of all rights-of-way to their full width as designated on the major thoroughfare plan of the County of Culpeper for the full frontage of the lot or parcel of ground prior to the issuance of any land development or building permits for the site.
  - d. Vehicular Travel Lanes and Driveways. The construction of vehicular travel lanes or driveways in accordance with Article 10, which will permit vehicular travel on the site and to and from adjacent streets, parking areas and property.

- e. Connection of Walkways and Driveways. The connection, wherever possible, of all walkways and driveways with similar facilities on adjacent property.
- f. Screening, Fencing, Etc. Screening, buffers, landscaping, fences and walls as are required by the provisions of Article 33, other ordinances of the County or by the regulations of the Virginia Department of Transportation.
- g. Easements or Rights-of-Way for Publicly Maintained Facilities. Easements or rights-of-way for all facilities to be publicly maintained. Such easement shall be clearly defined for the purpose intended and recorded before issuance of any land development or building permits.
- h. No Parking Signs and Pavement Marking Plan. Adequate no-parking signs along such streets, highways or driveways to prohibit parking on such as required by the Approving Authority, and a pavement marking plan to insure adequate traffic flow.
- i. Drainage Systems. Adequate drainage systems for the disposition of storm and natural waters.
- j. Acceptance. Upon satisfactory completion of all public off-site improvements, the developer shall take the necessary steps to have said public improvements accepted by the proper agencies.

## **20-7. Approval and Expiration.**

- 20-7-1. In accordance with Sect. 15.2-2261 of the Code of Virginia, full site plans, minor site plans and administrative site plans approved after January 1, 1992 shall be valid for a period of five (5) years from the date of approval or for such longer period as the Approving Authority may, at the time of approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development. Full site plans and minor site plans shall be deemed approved when the only requirement remaining to be satisfied in order to obtain a land development or building permit is the execution of any written agreements and posting of any securities and escrows. Administrative site plans shall be deemed to be approved on the date of such approval by the Approving Authority. Thereafter, when a building permit has been obtained for construction in accordance with an approved full site plan or minor site plan, such plan approval, or part thereof for which a building permit has been obtained, shall be extended beyond the period of five (5) years or such longer period as the Approving Authority may have approved for the life of the building permit.

While the full site plan, minor site plan and administrative site plan remains valid in accordance with this paragraph, no change or amendment to any local ordinance,

map, resolution, rule, regulation, policy or plan adopted subsequent to the date of approval of such plan shall adversely affect the right of the owner/developer or successor in interest to commence and complete the approved development in accordance with the lawful terms of the plan, unless the change or amendment is required to comply with federal or state law or there has been a mistake, fraud or a change in circumstances substantially affecting the public health, safety or welfare.

- 20-7-2. The provisions of Section 20-7-1 above shall not apply to approved site plans for those temporary uses as permitted by Section 20-2-3 (h) above.

## **20-8. Extensions.**

- 20-8-1. The approval of a site plan, minor site plan or administrative site plan, except for temporary uses approved pursuant to Section 20-2-3(h) above, may be extended by the Zoning Administrator for one or more periods, as the Administrator may at the time the extension is granted determine to be reasonable, taking into consideration the size and phasing of the proposed development and the provisions of this Section.
- 20-8-2. A request for an extension shall be filed in writing with the Zoning Administrator a minimum of forty-five (45) days prior to the expiration date of the approved site plan, minor site plan or administrative site plan. Failure to apply for an extension prior to the expiration date shall cause the site plan, minor site plan or administrative site plan approval to expire without notice on the expiration date. If the request is timely filed, the plan shall remain valid until the request for an extension is acted upon by the Administrator; provided, however, that after the initial plan or extension expiration date, no building permit shall be approved until the request for an extension of plan approval is acted upon by the Administrator.
- 20-8-3. The Zoning Administrator may approve an extension request upon a determination that:
- a. The bonded improvements shown on the approved plan either have been built or are subject to a current agreement or extension thereto; and
  - b. The approved plan complies with all current provisions of the Zoning Ordinance, Subdivision Ordinance or other applicable ordinances; unless the ordinance provision specifically provides that such amendment adopted subsequent to the approval of the site plan, minor site plan or administrative site plan is not applicable to site plan, minor site plan or administrative site plan extensions.

## **20-9. Agreements and Security.**

- 20-9-1. Prior to the issuance of a site development, construction or building permit for clearing and grading or for the installation of the physical improvements and facilities shown on an approved full site plan or minor site plan, there shall be executed by the owner or developer and submitted with the application for a site development,

construction or building permit an agreement to construct such physical improvements as are shown on such approved plan. Such agreement shall be accompanied by a security package acceptable to the County in the amount of the estimated cost of those physical improvements that are not otherwise secured in their entirety with the Virginia Department of Transportation.

- a. The aforesaid agreement and security package shall be provided for guaranteeing completion of all work covered thereby within the time to be approved by the Zoning Administrator, which time may be extended by the Zoning Administrator upon submission of a written application by the owner or developer, signed by all parties, including the sureties, to the original agreement.
- b. The adequacy, conditions and acceptability of any security package hereunder shall be determined by the Board of Supervisors or any official of the County as may be designated.
- c. In any case where any such official has rejected an agreement or security package, the owner or developer shall have the right to appeal such determination to the Board, provided the owner or developer has paid to the County the required fee for the examination and approval of the full site plan or minor site plan and inspection of all required improvements shown on such plans.
- d. Periodic partial and final release of any security shall be in accordance with policies established by the Board.

#### **20-10. Inspection and Supervision of Improvements.**

- 20-10-1. **Constructions Standards.** Unless specifically provided in this ordinance the construction standards for all off-site improvements and on-site improvements required by this Article shall conform to any applicable County design and construction standards. The Zoning Administrator or his agent shall approve the plans and specifications for all required improvements and may inspect the construction of such improvements to assure conformity thereto.
- 20-10-2. **Inspections of Off-Site Improvements.** Inspections during the installation of the off-site improvements may be made by the Zoning Administrator for such improvements as required to certify compliance with the approved site plan and applicable County standards. Inspections may also be required by additional agencies.
- 20-10-3. **Supervision of Installation of Improvements.** The owner shall provide adequate supervision on the site during the installation of all required improvements and have a responsible superintendent or foreman together with one set of approved plans, profiles and specifications available at the site at all times when work is being performed.



- 20-10-4. Certificate of Approval. Upon satisfactory completion of the installation of the required improvements the owner may request a certificate of approval from the Zoning Administrator of the improvements upon the application for such certificate. Such certificate of approval will authorize the release of any bond that may have been furnished for the guarantee of satisfactory installation of such improvements or parts thereof. The Zoning Administrator shall have at least ten (10) working days after the request to determine if such certificate can be issued.
- 20-10-5. Installation Not to Bind County's Acceptance. The installation of improvements as required in this Article shall in no case serve to bind the County to accept such improvements for maintenance, repair or operation thereof, but such acceptance shall be subject to the existing regulations concerning the acceptance of each type of improvement.

## **20-11. As-Built Site Plans.**

- 20-11-1. General Provisions. Upon satisfactory completion, inspection and approval of the installation of all required improvements as shown on the approved full or minor site plan or a section thereof, the developer shall submit to the office of the Zoning Administrator seven (7) copies of an "as built" site plan. Such plan shall be prepared in accordance with the standards set forth below and shall be certified by a licensed professional engineer or licensed land surveyor registered in the State of Virginia. The as-built plans shall be submitted one week prior to anticipated occupancy of any building, for the review and approval for conformity with the approved site plan by the appropriate County departments, as designated in this section. Such submission shall contain the following information:
- a. Boundary of the site as shown on the approved site plan. The as-built plan shall show any geodetic reference points located on the site.
  - b. Area of the site as shown on the approved site plan and subsequent to any fee simple dedications to Culpeper County, State of Virginia or the Virginia Department of Transportation, and the land area of such dedications.
  - c. Location of all buildings showing the yard dimensions and all official building numbers (addresses) posted.
  - d. The location of all storm sewers, sanitary sewers, fire hydrants, and associated easements including all waterline easements. For storm and sanitary sewers, the pipe sizes, lengths, top and invert elevations and percent grade of pipe as computed shall also be shown.
  - e. Ponds, including detention, retention and Best Management Practice (BMP) ponds, showing elevation of top of embankments, toes of embankments, weirs, spillways, drainage structures, access easements and capacities of such ponds. Capacities shall be

shown both volumetrically and topographically with sufficient elevations to calculate the capacities.

- f. Deed book and page number(s) of the recordation in the land records of Culpeper County of dedications and easements reflected on the approved plan.
- g. A statement of certification from the licensed professional engineer or land surveyor that prepared the as-built plan certifying that the as-built site plan conforms with the criteria listed above and represents actual conditions on the site for those items only, and bearing the engineer's or surveyor's seal, signature and Virginia registration number.

20-11-2. As-built site plans may be submitted and approved for any appropriately completed part of the total area of an approved site plan, with such part to be known as a section.

#### **20-12. Occupancy Certificates.**

20-12-1. A final certificate of occupancy permit may be issued pursuant to Article 16 for any appropriately completed building or part of a building located in a part of the total area of an approved site plan, such part of the total area to be known as a section, provided:

- a. The other on-site construction and improvements on the approved site plan for the section have been completed and have been inspected and accepted by the Zoning Administrator, the County Health Officer or his agent, and a certified as-built site plan has been submitted to the Zoning Administrator ten (10) working days prior to the proposed date of occupancy, and the as-built plan has been reviewed and approved.
- b. The off-site improvements related to and necessary to service the section have been completed and inspected and accepted by the Virginia Department of Transportation; and the developer has submitted a certified as-built drawing for the section; or the developer has provided surety acceptable to the County Attorney.

#### **20-13. Discretionary Modifications to Ordinance Requirements.**

Provided that the purpose and intent of this Ordinance is maintained, the Zoning Administrator shall have the discretionary authority to waive certain requirements found in Section 20-5 of this Ordinance if such requirement is deemed unnecessary. Additionally, if the Zoning Administrator finds that a unique circumstance exists which makes it necessary, a Minor rather than an Administrative Site Plan, or a Full rather than a Minor Site Plan, may be required.